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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

September 2013 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCHELLO DSAUN MCCAIN,

Defendant.

Case No. 15CR0174-W

I N D I C T M E N T
(Superseding)

Title 18, U.S.C., Sec. 922(g)(1) -
Felon in Possession of Firearms
and Ammunition; Title 18, U.S.C.,
Sec. 931 - Possession of Body
Armor by Violent Felon

The grand jury charges:

Count 1

On or about September 9, 2014, within the Southern District of California, defendant MARCHELLO DSAUN MCCAIN, being a person who had previously been convicted in a court, to wit, on or about on or about May 31, 2005, in the District Court for the Fourth Judicial District of the State of Minnesota, County of Hennepin, of two counts of Assault in the Second Degree, in violation of Minnesota Statute § 609.222, a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess firearms, in and affecting commerce, to wit, a Glock Model 17, nine millimeter caliber pistol, and a Mossberg Model 500, 12 gauge pump-action shotgun, serial

1 number T893954; in violation of Title 18, United States Code,
2 Section 922(g)(1).

3 Count 2

4 On or about May 29, 2014, within the Southern District of
5 California, defendant MARCHELLO DSAUN MCCAIN, being a person who had
6 previously been convicted in a court, to wit, on or about on or about
7 May 31, 2005, in the District Court for the Fourth Judicial District
8 of the State of Minnesota, County of Hennepin, of two counts of
9 Assault in the Second Degree, in violation of Minnesota Statute
10 § 609.222, a crime punishable by imprisonment for a term exceeding one
11 year, did knowingly and unlawfully possess firearms, in and affecting
12 commerce, to wit, a Glock Model 19, nine millimeter caliber pistol,
13 serial number RXU609 and a Mossberg Model 500, 12 gauge pump-action
14 shotgun, serial number T893954; in violation of Title 18,
15 United States Code, Section 922(g)(1).

16 Count 3

17 On or about February 13, 2014, within the Southern District of
18 California, defendant MARCHELLO DSAUN MCCAIN, being a person who had
19 previously been convicted in a court, to wit, on or about on or about
20 May 31, 2005, in the District Court for the Fourth Judicial District
21 of the State of Minnesota, County of Hennepin, of two counts of
22 Assault in the Second Degree, in violation of Minnesota Statute
23 § 609.222, a crime punishable by imprisonment for a term exceeding one
24 year, did knowingly and unlawfully possess firearms and ammunition, in
25 and affecting commerce, to wit:

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(1) five (5) rounds of Winchester 12 gauge 2.75" 7.5 shot
shotgun ammunition;

(2) a Mossberg Model 500, 12 gauge pump-action shotgun, serial
number U645986; and

(3) an AR-15 style semi-automatic rifle;

in violation of Title 18, United States Code, Section 922(g)(1).

Count 4

On or about January 23, 2015, within the Southern District of
California, defendant MARCHELLO DSAUN MCCAIN, being a person who had
previously been convicted in a court, to wit, on or about on or about
May 31, 2005, in the District Court for the Fourth Judicial District
of the State of Minnesota, County of Hennepin, of two counts of
Assault in the Second Degree, in violation of Minnesota Statute
§ 609.222, a crime punishable by imprisonment for a term exceeding one
year, did knowingly and unlawfully possess firearms and ammunition, in
and affecting commerce, to wit:

(1) a stolen Springfield Armory Model XD nine millimeter pistol,
serial number US96206;

(2) nine (9) rounds of Winchester nine millimeter ammunition;

(3) one (1) round of Federal nine millimeter ammunition;

(4) five (5) rounds of Winchester PDX1 Defender 12 gauge shotgun
rounds;

(5) fifteen (15) rounds of Winchester PDX1 Defender .38 Special
hollow point ammunition; and

(6) thirty-five (35) rounds of Century Arms 7.62 x 39 millimeter
Hotshot ammunition;

in violation of Title 18, United States Code, Section 922(g)(1).

Count 5

On or about January 23, 2015, within the Southern District of California, defendant MARCHELLO DSAUN MCCAIN, being a person who had previously been convicted of a crime of violence and an offense under state law that would constitute a crime of violent if it occurred within the special maritime and territorial jurisdiction of the United States, to wit, on or about on or about May 31, 2005, in the District Court for the Fourth Judicial District of the State of Minnesota, County of Hennepin, of two counts of Assault in the Second Degree, in violation of Minnesota Statute § 609.222, a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce body armor, serial number 125375, that had been shipped and transported in interstate and foreign commerce; in violation of Title 18, United States Code, Section 931.

Count 6

On or about January 26, 2015, within the Southern District of California, defendant MARCHELLO DSAUN MCCAIN, being a person who had previously been convicted in a court, to wit, on or about on or about May 31, 2005, in the District Court for the Fourth Judicial District of the State of Minnesota, County of Hennepin, of two counts of Assault in the Second Degree, in violation of Minnesota Statute § 609.222, a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess firearms, in and affecting commerce, to wit:

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(1) a Glock Model 17 Gen4 nine millimeter pistol, serial number VEM605;

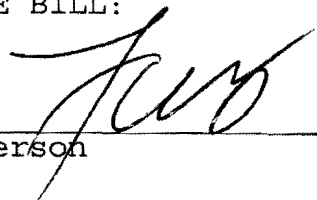
(2) a Harrington & Richardson 1871 Pardner pump 12-gauge shotgun, serial number NZ541169; and

(3) a M1 Carbine .30 caliber semi-automatic rifle, serial number 3469868;

in violation of Title 18, United States Code, Section 922(g)(1).

DATED: February 20, 2015.

A TRUE BILL:



Foreperson

LAURA E. DUFFY
United States Attorney

By:


SHANE P. HARRIGAN
Assistant U.S. Attorney

By:


CAROLINE HAN
Assistant U.S. Attorney